

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DEBORAH D. PETERSON, *et al.*,

Plaintiffs,

v.

Case No. 13-cv-9195 (LAP)

ISLAMIC REPUBLIC OF IRAN; BANK
MARKAZI a/k/a CENTRAL BANK OF
IRAN; BANCA UBAE SpA;
CLEARSTREAM BANKING, S.A.; and
JP MORGAN CHASE BANK, N.A.,

Defendants.

DECLARATION OF ROBERT K. KRY

ROBERT K. KRY declares as follows pursuant to 28 U.S.C. § 1746:

1. I represent Bank Markazi in this action and submit this declaration in support of its motion to dismiss and in opposition to plaintiffs' motion for summary judgment and for a preliminary injunction.

2. Attached as Exhibit A is a true and correct copy of the Affidavit of Gholamhossein Arabieh, dated October 17, 2010, previously filed at Dkt. 814 in *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y.).

3. Attached as Exhibit B is a true and correct copy of the Affidavit of Ali Asghar Massoumi, dated October 17, 2010, previously filed at Dkt. 815 in *Peterson v. Islamic Republic of Iran*, No. 10 Civ. 4518 (S.D.N.Y.), with redactions.

4. Attached as Exhibit C is a true and correct copy of excerpts from Article 8 of the Uniform Commercial Code.

5. Attached as Exhibit D is a true and correct copy of excerpts from William D. Hawkland *et al.*, *Uniform Commercial Code Series* (2013).

6. Attached as Exhibit E is a true and correct copy of Julie Triedman, *Can U.S. Lawyers Make Iran Pay for 1983 Bombing?*, Am. Law., Oct. 28, 2013, published in the American Lawyer and obtained from LexisNexis.

7. Attached as Exhibit F is a true and correct copy of Kate Ackley, *Rival Groups of Terror Victims Square Off*, Roll Call, May 22, 2012, previously obtained from Roll Call's website and currently available at <https://www.rollcall.com/2012/05/21/rival-groups-of-terror-victims-square-off>.

8. Attached as Exhibit G is a true and correct copy of Daniel Fisher, *How One Lawyer Convinced Congress To Help Him Win \$2 Billion from Iran*, Forbes, Apr. 22, 2016, obtained from Forbes's website at <https://www.forbes.com/sites/danielfisher/2016/04/22/2-billion-iran-victory-took-an-act-of-congress-several-of-them>.

9. Attached as Exhibit H is a true and correct copy of a page from Gibson, Dunn & Crutcher LLP's website titled *Amendment to Foreign Sovereign Immunities Act Makes It Easier for Victims To Recover Damages from State Sponsors of Terrorism*, dated January 28, 2008, obtained from <https://www.gibsondunn.com/amendment-to-foreign-sovereign-immunities-act-makes-it-easier-for-victims-to-recover-damages-from-state-sponsors-of-terrorism>.

10. Attached as Exhibit I is a true and correct copy of the International Court of Justice's judgment on preliminary objections in *Certain Iranian Assets (Iran v. U.S.)*, No. 164, dated February 13, 2019.

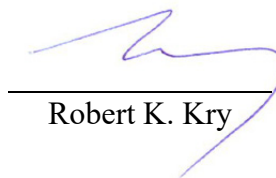
11. Attached as Exhibit J is a true and correct copy of Michael R. Pompeo, U.S. Dep't of State, *Remarks to the Media* (Oct. 3, 2018), obtained from the State Department's website at <https://www.state.gov/remarks-to-the-media-3>.

12. Attached as Exhibit K is a true and correct copy of an Order Under 28 U.S.C. § 1610(c) Authorizing Enforcement of Judgment entered in *Havlish v. bin Laden*, No. 03 Civ. 9848, Dkt. 504 (S.D.N.Y.), dated April 7, 2020.

13. An attorney and a legal assistant acting under my direction and supervision conducted a diligent search for admissible evidence of plaintiffs' involvement in drafting and lobbying for the legislation at issue in this action. Based on that research and on the contents of Exhibits E, F, G, and H attached hereto, admissible evidence is likely within the knowledge or possession of plaintiffs or their agents and can only be developed through discovery. Fed. R. Civ. P. 56(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 11, 2020.
McLean, Virginia



Robert K. Kry